

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

IMPLICIT, LLC,

Plaintiff,

v.

IMPERVA, INC.,

Defendant.

Civil Action No. 2:19-cv-40-JRG-RSP
LEAD CASE

IMPLICIT, LLC,

Plaintiff,

v.

JUNIPER NETWORKS, INC.,

Defendant.

Civil Action No. 2:19-cv-37-JRG-RSP

**NOTICE OF REQUEST TO VACATE ORDER DENYING JUNIPER'S MOTION TO
TRANSFER VENUE AS MOOT (DKT. 166)**

Defendant Juniper Networks, Inc. respectfully requests that this Honorable Court vacate its Order denying Juniper's Motion to Transfer Venue to the Northern District of California (Dkt. 18) as moot. On May 2, 2019 Juniper filed an Opposed Motion to Transfer Venue to the Northern District of California pursuant to 28 U.S.C. 1401. (Dkt. 18.) Briefing on such motion was complete on June 14, 2019, causing the motion to be ripe for decision for nearly six months.

Upon finding an additional alternative basis for transfer, Juniper filed a Supplemental Motion to Transfer Venue to the District of Delaware (Dkt. 164) on December 9, 2019. However, this second transfer motion does not moot the first motion. In the event that transfer to the District of Delaware based on Implicit's agreed venue selection clause is not granted as requested in Dkt. 164,¹ Juniper maintains that transfer to the Northern District of California is still warranted for all of the reasons stated in its earlier motion (Dkt. 18).

¹ Juniper's Supplemental Motion to Transfer was filed in lead case 2:19-cv-40-JRG-RSP.

Wherefore, Juniper respectfully requests that this Court vacate its order denying Juniper's Motion to Transfer Venue to the Northern District of California as moot.

Date: December 12, 2019

Respectfully submitted,

IRELL & MANELLA LLP

By: /s/ David McPhie

David McPhie

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who have consented to electronic service, on this the 12th day of December, 2019.

/s/ Melissa R. Smith
Melissa R. Smith